



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Guilan Chen

Catherine M. Hironaka

Hua-Ping Zhou

Serial No.: 10/727,423

Filed: December 4, 2003

Confirmation No.: 8132

For: **GLYPHOSATE TOLERANT WHEAT
PLANT 33391 AND COMPOSITIONS
AND METHODS FOR DETECTION
THEREOF**

ss

§ Group Art Unit: 1638

ss

§ Examiner: David H. Kruse

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§ Atty. Dkt. No.: 11899.0226.DVUS00

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A REPLACEMENT FOR THE STATEMENT OF EVIDENCE ACCOMPANYING THE RESPONSE
TO OFFICE ACTION FILED NOVEMBER 1, 2006

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450, on the date below:

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

11/3/2006
Date

Claudia J. Standiford

Sir:

Applicants have noticed that The Statement of Evidence Required To Establish Common Ownership Pursuant to MPEP § 7.06.02(1)(2)(II) that was filed on November 1, 2006 with the Response to the Office Action contained some errors.

Attached hereto is a Replacement Statement of Evidence Required To Establish Common Ownership Pursuant to MPEP § 7.06.02(1)(2)(II) which corrects those errors. Please substitute the attached Statement of Evidence for the one previously mailed on November 1, 2006.

Specifically, the Replacement Statement of Evidence includes an earlier unintentional omission that, at the time that the invention was made, both U.S. Patent No. 6,645,765 B1 and the U.S. Patent App. Ser. No. 10/727,423 were owned by Monsanto Company and that both are now owned by Monsanto Technology LLC, a wholly owned subsidiary of Monsanto Company and a holding company for the global patent estate of Monsanto Company.

Should any additional fees be required for any reason relating to the enclosed materials, the Commissioner is hereby authorized to deduct any additional fees from Deposit Account 08-3038/11898.0226.DVUS00.

Respectfully submitted,



Rudeina A. Baasiri, Ph.D.
Reg. No. 47,398
Agent for Assignee
MONSANTO TECHNOLOGY LLC

Customer No. 45,607
HOWREY LLP
1111 Louisiana Street, Suite 2500
Houston, Texas 77002
(713) 654-7648

Date: November 3, 2006



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STATEMENT OF EVIDENCE REQUIRED TO ESTABLISH COMMON
OWNERSHIP PURSUANT TO MPEP §706.02(I)(2)(II)

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

<p style="text-align: center;">CERTIFICATE OF MAILING 37 C.F.R. 1.8</p> <p>I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450, on the date below:</p> <p style="text-align: center;"><u>11/3/2006</u> <u>Claudia A. Standiford</u> Date</p>
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Sir:

Pursuant to MPEP§706.02(I)(2)(II), Monsanto Technology LLC, herewith states that:

1) Monsanto Technology LLC is the owner of U.S. Patent No. 6,645,765.

Assignment to Monsanto Technology LLC was recorded on July 9, 2001 – Reel

011974/Frame 0801 from Monsanto Company. The inventors named on U.S. Patent No. 6,645,765, Heather M. Anderson, Catherine A. Chay, Guilan Chen and Timothy W. Conner, were all employed by Monsanto Company at the time the invention disclosed therein was made and were obligated to assign their invention to Monsanto Company. The inventors' assignment to Monsanto Company is recorded at Reel/Frame: 011223/0222 on September 17, 2000.

2). Monsanto Technology LLC is the owner of the present application S.N. 10/727,423. The inventors named on the present application S.N. 10/727,423, Guilan Chen, Catherine M. Hironaka, and Hua-Ping Zhou, were all employed by Monsanto Company at the time the presently claimed invention was made and were obligated to assign their invention to Monsanto Technology LLC. The inventors' assignment to Monsanto Technology LLC is recorded at Reel 015415 Frame 0157 on November 30, 2004.

3) The invention of U.S. Patent Application Serial No. 10/727, 423 and U.S. Patent No. 6,645,765 B1 were, at the time the invention of U.S. Patent Application Serial No. 10/727,423 was made, commonly owned by Monsanto Company. Both are now owned by Monsanto Technology LLC, a wholly owned subsidiary of Monsanto Company and a holding company for the global patent estate of Monsanto Company.

ASSIGNEE: MONSANTO TECHNOLOGY LLC

By: Grace L. Bonner

Name: Grace L. Bonner

Title: Senior Counsel

Date: November 2, 2006